

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

ROCKWELL AUTOMATION, INC. et. al.	§	
	§	
Plaintiff,	§	Civil Action No. 10-cv-718-WMC
vs.	§	
	§	
WAGO CORPORATION, et. al.	§	
	§	
	§	
Defendants.	§	

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**NON-PARTY NATIONAL OILWELL VARCO, L.P.'S AFFIDAVIT IN  
SUPPORT OF ITS MOTION TO QUASH AND FOR PROTECTION**

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STATE OF TEXAS       §  
                              §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned a Notary, on this day personally appeared David A. Cardellini, a person whose identity is known to me. After I had administered an oath to him, upon his oath he said:

1. My name is David A. Cardellini. I am an individual residing in Harris County, Texas, I am over the age of 21, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge as the head of National Oilwell Varco, L.P.'s ("NOV") Rig Technology Division.

2. NOV's Rig Technology Division has purchased Wago Corporation and Wago Kontakttechnik GmbH & Co. KG's (collectively "Wago") 750 product line of the Accused Products named in Rockwell Automation, Inc. et. al. and Rockwell Automation Technologies, Inc.'s (collectively "Rockwell") Complaint (Dkt.No. 1).

3. I am generally familiar with Rockwell's claims of infringement against. NOV's use of the Accused Products is only as a dumb IO. NOV does not use the Accused Products for diagnostics or data logging. Upon information and belief currently available, NOV does not use the Accused Products in the manner Rockwell claims to be infringing.

4. I have reviewed both subpoenas served on NOV by Rockwell on May 22, 2012. Among other things, Rockwell's first subpoena contains eight document requests ranging from every business dealing or interaction with Wago (Request No. 1), requests for information on NOV's customers (Request No. 2), requests about NOV's operation of the Accused Products (Request No. 4), requests for NOV's financials/pricing/marketing policies (Request Nos. 2, 5, and 6), and requests about Rockwell's patents and Wago's Accused Products (Requests Nos. 7

and 8). Rockwell's second subpoena asks for a deponent on topics relating to the requested documents.

5. NOV's Rig Technology Group employs over 10,000 employees. NOV's Rig Technology Group encompasses multiple companies with multiple facilities spread across the United States and the rest of the world. Each facility maintains its own, often very unique, systems of purchasing, sales, accounting, and general record retention policies. Additionally, NOV has entirely separate groups, outside of the Rig Technology Group, that maintain information relating to purchasing, sales, accounting, and records for NOV as a whole.


6. It would take the coordination of multiple facilities from the Rig Technology Group, as well as coordination with NOV's groups outside the Rig Technology Group, to determine if information responsive to Rockwell's subpoena for the production of documents even exists. This is estimated to take anywhere from three days to multiple weeks just to determine the existence of responsive information. Further, if NOV determined that responsive information existed, it would take the work of multiple employees from multiple divisions working full time to gather this information. This is estimated to take up to at least another two weeks.

7. There is no one employee at NOV that would have personal knowledge on the topics in Rockwell's deposition subpoena. If NOV determines responsive documents and information exists, NOV would have to prepare multiple employees from the Rig Technology Group, and other divisions of NOV, for a deposition on the suggested topics. After the potential information in No. 6 is collected and produced, this would take up to another additional week. This would also require the travel to Houston, TX, and associated expenses relating to the stay of these employees, from places across the United States and other parts of the world.

Further, Affiant sayeth not.

  
David A. Cardellini

SUBSCRIBED AND SWORN TO before me on July 24, 2012, to certify which my hand and official seal.



Public Notary in and for  
The State of Texas



Printed Name of Notary

My commission expires: 09/10/2013

